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Security Council

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Report of the Secretary-General on the situation concerning Western Sahara

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1598 (2005) of 28 April 2005, by which the Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO) until 31 October 2005. The report covers developments since the issuance of my report dated 19 April 2005 (S/2005/254).

II. Political situation

2. During the reporting period, the deadlock between the parties over how to achieve a mutually acceptable solution that would enable the people of Western Sahara to exercise their right to self-determination has persisted. Recently, the Government of Morocco reiterated its readiness to conduct negotiations that would lead to the granting of autonomy to the Territory under Moroccan sovereignty. For its part, the Frente Polisario continued to support the implementation of the Peace Plan for Self-Determination of the People of Western Sahara (S/2003/565, annex II), presented to the parties in 2003 by my former Personal Envoy, James Baker.

3. Meanwhile, since my previous report to the Security Council (S/2005/254), there has been some unrest in the Territory, including demonstrations resulting in a number of arrests. A number of detainees in the custody of the Moroccan authorities went on a hunger strike from early August to 29 September.

4. On 25 July, I informed the Security Council of my decision to appoint Peter van Walsum (Netherlands) as my Personal Envoy for Western Sahara to help me assess the situation and to explore with the parties, neighbouring States and other stakeholders how best to overcome the present political impasse. As a first step, I requested Mr. van Walsum to establish contacts with the parties and neighbouring States to ascertain their views on the way forward. Following meetings in New York in August and early October, my Personal Envoy is expected to carry out his first visit to the region from 11 to 17 October.

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III. Activities on the ground

A. Special Representative

5. In May, I appointed my then Special Representative for Western Sahara, Alvaro de Soto, as Special Coordinator for the Middle East Peace Process and Special Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority. I would like to express my deep appreciation for his efforts to promote progress in the peace process during his assignment to Western Sahara. Following consultations, I appointed Francesco Bastagli (Italy), former Deputy Special Representative for Kosovo, as my new Special Representative for Western Sahara and head of MINURSO. Mr. Bastagli assumed his position in Laayoune on 14 September. In early October, he paid initial visits to the parties and representatives of the neighbouring States in Rabat, Rabouni (Algeria), Algiers and Nouakchott.

B. Military

6. In August, Major General György Száraz (Hungary) departed from Laayoune after three years of service as Force Commander of MINURSO. He was replaced by Major General Kurt Mosgaard (Denmark), who arrived in the Mission area on 16 September. As at 14 October, the military component of MINURSO stood at 227 personnel, including administrative clerks and a medical unit, against the authorized strength of 231. The military component continued to actively monitor the ceasefire which has been in effect since 6 September 1991.

7. During the reporting period, MINURSO performed 2,628 ground patrols and 114 air patrols to visit and inspect units of the Royal Moroccan Army and the military forces of the Frente Polisario, in accordance with military agreement No. 1 concluded between the Royal Moroccan Army and MINURSO on the one hand, and the Frente Polisario military forces and MINURSO on the other.

8. Violations by both parties, as outlined in my previous report, have continued. They amount to a serious deterioration in compliance with military agreement No. 1. The violations include activities such as the enhancement of physical structures in the restricted areas defined by the agreement and the imposition of restrictions on movements of United Nations military observers. In addition, new violations occurred during the reporting period. From 14 April to 14 September, MINURSO observed 13 violations by the Royal Moroccan Army and 10 violations by the military forces of the Frente Polisario. These included brief incursions into the buffer strip by armed elements from both sides, construction of new physical structures and movement of military units without prior notification or approval by MINURSO. At the same time, civilian activities, including demonstrations by Polisario supporters, continued to take place in the buffer strip. Although the demonstrations do not constitute a breach of military agreement No. 1, they have contributed to increased tensions on the ground and may result in incidents and a deterioration of the situation along the berm.

9. With regard to military agreements No. 2 and No. 3, the parties continued to extend a high level of cooperation to MINURSO in the marking and disposal of mines and unexploded ordnance. During the period under review, MINURSO

discovered and marked 260 mines and pieces of unexploded ordnance, and monitored the destruction of 3,693 mines and pieces of unexploded ordnance. Forty disposal operations were monitored west of the berm, all carried out by the Royal Moroccan Army.

C. Prisoners of war, other detainees and persons unaccounted for

10. I am pleased to report that on 18 August, with the mediation of the United States of America, the Frente Polisario released the remaining 404 Moroccan prisoners of war, thus bringing to a conclusion one of the most painful chapters of the conflict. The prisoners were repatriated to Morocco under the auspices of the International Committee of the Red Cross (ICRC), which will continue to work with the parties in accounting for those who are still missing in relation to the conflict.

D. Assistance to Western Saharan refugees

11. During the reporting period, the World Food Programme (WFP) and the Office of the United Nations High Commissioner for Refugees (UNHCR) increased their monitoring activity, including the conduct of regular field visits to all the Tindouf area refugee camps. In a joint decision by UNHCR and WFP, which was subsequently communicated to the Frente Polisario and to Algeria as the country of asylum, the number of assisted beneficiaries was reduced from 158,000 to 90,000 as at 1 September, targeting assistance to the most vulnerable members of the camp population. Both WFP and UNHCR will use this number for planning purposes until a comprehensive registration exercise of the refugee populations can be carried out.

12. While available food supplies should ensure the provision of assistance to the beneficiaries in the camps until the end of the year, the results of a nutrition survey conducted by WFP in early 2005 showed an increase in anaemia among women and children since 2002. This could be the result of a lack of animal proteins, fresh fruits and vegetables and fortified foods in the daily rations provided to the refugees. Chronic malnutrition in the refugee camps is a major health issue and UNHCR and WFP intend to take corrective measures, including supplementary feeding of the vulnerable groups. While donor support for humanitarian programmes has increased to over $5 million in 2005, additional international assistance will be required to provide complementary food to improve the health status of the refugees.

13. From 13 to 17 September, WFP, in collaboration with UNHCR, carried out a midterm review of its feeding programme in the Tindouf area refugee camps, in which the Government of the United States and the European Commission Humanitarian Aid Office participated as observers. In addition, a briefing chaired by WFP and UNHCR was arranged in Algiers on 20 September to apprise donors of the situation.

E. Confidence-building measures

14. Regrettably, the exchange of family visits between the Territory and the refugee camps in the Tindouf area did not resume during the reporting period. It should be recalled that both the Frente Polisario and Algeria, as country of asylum,

approved a plan of action for the implementation of the 2005 phase of the confidence-building measures, which had been submitted by UNHCR, in consultation with MINURSO, in early January.

15. While reiterating its commitment to the confidence-building measures, the Government of Morocco suggested some amendments to the action plan. The amendments were discussed at a meeting with UNHCR and MINURSO in Geneva on 22 June, and were the subject of written exchanges between UNHCR and the Government of Morocco. I am pleased to report that following my Special Representative's visit to Rabat in September, the Government indicated its intention to accept the plan of action. The approval of the resumption of the family visits was confirmed by the Moroccan delegation to the Executive Committee of the UNHCR Programme in early October, paving the way for the continuation of this important humanitarian programme. The visits are expected to resume in early November.

16. Thus far, of the estimated $3.1 million required for the 2005 programme, $2.1 million has been provided by Finland, France, Ireland, Sweden and the United States. At the same time, the telephone services that were established between the camps in Tindouf and the Territory continue to function effectively. To date, 32,777 persons have benefited from this service.

F. Illegal migration

17. During the reporting period, the group of 46 illegal migrants from Bangladesh referred to in my previous report (S/2005/254, para. 10) continued to be provided with shelter in Tifariti under the care of the Frente Polisario. The International Organization for Migration is taking steps for their repatriation.

18. While MINURSO has thus far contributed to repatriation operations, the Mission's capacity to assist stranded migrants is limited. MINURSO will continue to coordinate with humanitarian agencies, as needed, and will extend some logistical support for repatriation operations on a humanitarian basis, subject to resource availability and provided that it does not affect the discharge of its core mandate.

G. Restructuring of the Mission

19. An overall review of the civilian and military structures of MINURSO was conducted during the reporting period. The review was aimed at enhancing operational effectiveness and bringing the Mission in line with current peacekeeping practices, in order to better respond to the evolving situation on the ground. The resulting restructuring of the Mission's components, described in paragraphs 20 and 21 below, is under way and I expect to report on progress achieved in my next report.

20. In June, a United Nations military operational audit team led by retired Major General Robert Gordon (United Kingdom) visited MINURSO. Following the visit, the Department of Peacekeeping Operations, in consultation with MINURSO, developed recommendations for the restructuring of the military component. The recommendations, on which the parties and troop-contributing countries have been consulted, are aimed at strengthening, within existing resources, the military component's capacity to monitor the ceasefire and military agreements. The

restructuring exercise, which began in September, includes the closure of the two sector headquarters and restructuring of the force headquarters, including the establishment of a civilian-military joint mission analysis cell and a joint operations centre to enhance data collection and information management. The closure of the two sector headquarters will enable MINURSO to increase the number of military observers deployed to the nine military observer team sites. The introduction of night observation patrols and temporary observation posts through the provision of night vision equipment is also envisaged. A new concept of operations reflecting the above changes came into effect on 1 October.

21. The comprehensive review of the structure of the administrative and other civilian components was also completed during the reporting period, taking into account the mandate of the Mission, the political and operational environment and a comparative analysis with other peacekeeping missions of a similar size. On the basis of the initial review carried out by MINURSO, a personnel review team, and subsequently a management assessment team from the Department of Peacekeeping Operations, were deployed to finalize recommendations aimed at reconfiguring the civilian structure to better support the current mandated activities, ensure greater integration between the military and civilian components and enhance the management of MINURSO. The outcome of this review includes recommendations on a reduction by 57 posts (47 international and 10 local), to be offset by an increase of 18 posts (international) and the creation of 24 United Nations Volunteer posts. The recommendations will be implemented in a phased manner and are expected to be completed by mid-2006.

IV. African Union

22. During the reporting period, the observer delegation of the African Union to MINURSO, led by its Senior Representative, Yilma Tadesse (Ethiopia), continued to provide valuable support and cooperation to the Mission. I wish to reiterate my appreciation for the African Union's contribution.

V. Financial aspects

23. The General Assembly, by its resolution 59/308, appropriated the gross amount of $47.9 million for the maintenance of MINURSO for the financial period from 1 July 2005 to 30 June 2006. Therefore, should the Security Council approve my recommendation, set out in paragraph 28 below, to extend the mandate of MINURSO, the cost of the operation and maintenance of the Mission during the extension period will be limited to resources approved by the General Assembly. As at 31 August 2005, unpaid assessed contributions to the special account for MINURSO amounted to $51.8 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,185.2 million.

VI. Observations and recommendations

24. Regrettably, the positions of the parties with regard to a settlement remained far apart during the reporting period. The lack of progress was compounded by the overall tense political climate in the region. In addition to harsh public statements

emanating periodically from the parties, demonstrations and allegations of human rights abuses in the Territory suggest that the situation could deteriorate further in the absence of a mutually acceptable solution that would provide for the self-determination of the people of Western Sahara. I remain committed to helping the parties to reach such a solution, but it is up to them to take strategic decisions that would define, inter alia, the role that the United Nations could play to assist them in overcoming their differences. I urge them, after years of stalemate, to demonstrate the necessary flexibility and to cooperate in good faith with my new Personal Envoy. In the same vein, I call on neighbouring States and international partners to provide all necessary support to my Personal Envoy's mission. In the meantime, it is of paramount importance that all concerned stop all inflammatory statements and refrain from taking any action which could further complicate the search for a solution or cause additional friction.

25. Violations by the parties of military agreement No. 1 continue to be a matter of serious concern. While the measures described in this report are expected to enhance the Mission's capability to monitor compliance with the agreement, it remains the responsibility of the parties to ensure that violations are not committed by their military/security forces. In this regard, an understanding has been reached with the parties on the possibility of reviewing the military agreements in order to better respond to the realities on the ground. However, any changes to the agreements would have to be mutually acceptable and remain consistent with the principle that military forces should maintain the status quo during the ceasefire and that MINURSO military observers should be allowed to exercise full freedom of movement, in accordance with basic peacekeeping principles. MINURSO has also been instructed to propose to the parties the establishment of a joint military verification commission, which would include their representatives and MINURSO, to allow for the exchange of information and transparency in the implementation of the ceasefire. I hope to be able to include information on progress achieved on both issues in my next report to the Security Council.

26. I welcome the release by the Frente Polisario of the remaining 404 Moroccan prisoners of war, some of whom had been in captivity for over 20 years. I hope that this positive step will help to create an atmosphere conducive to ending the current impasse and paving the way for the long-awaited progress towards a just, lasting and mutually acceptable political solution to the conflict. At the same time, I reiterate my appeal to both parties to cooperate fully with ICRC in accounting for those who are still missing in relation to the conflict.

27. Despite the delays, I am encouraged that all concerned have now agreed to the resumption of the exchange of family visits, thereby allowing thousands of individuals in the Territory and the camps in the Tindouf area to benefit from this humanitarian programme. I also look forward to the implementation, as soon as possible, of the other basic confidence-building measures, particularly the mail service and the organization of seminars involving members of civil society in both the Territory and the refugee camps in the Tindouf area.

28. In view of the prevailing situation, I believe that MINURSO continues to play an important stabilizing and ceasefire monitoring role on the ground and would like to recommend that its mandate be extended for a further period of six months, until 30 April 2006. Should the Council extend the mandate, I intend to continue the

review process to ensure that the Mission has the resources it needs to effectively carry out its tasks.

29. I am concerned by the allegations of human rights abuses made by the parties, whether in the Territory or in the Tindouf area refugee camps. While MINURSO has neither the mandate nor the resources to address this issue, the United Nations, as an organization, is dedicated to upholding international human rights standards. It is in this context that the High Commissioner for Human Rights intends to approach the parties and Algeria, as the country of asylum, with a view to exploring what action may be needed in this regard. I urge them to extend full cooperation to the Office of the High Commissioner for Human Rights.

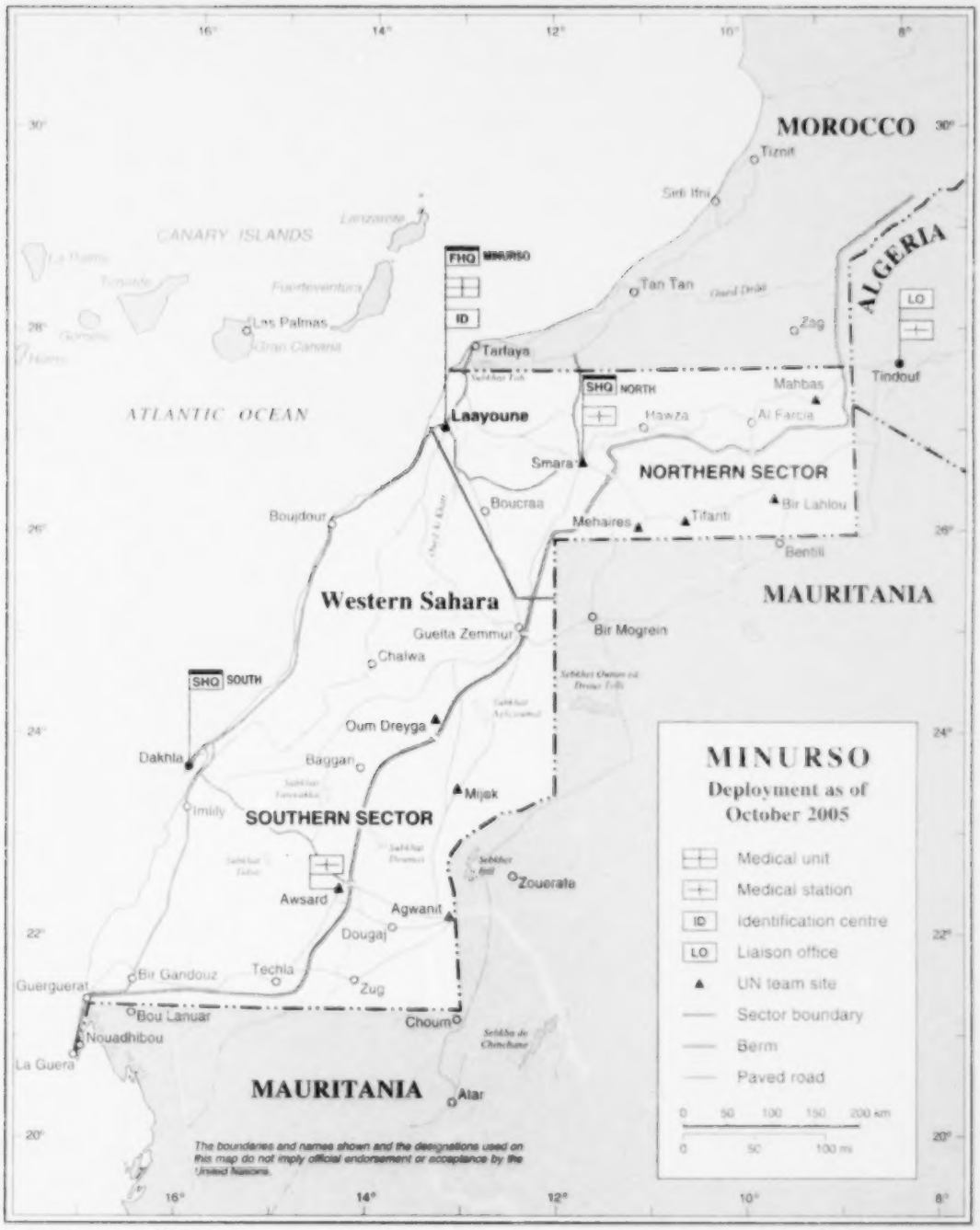
30. In conclusion, I would like to express my appreciation to the men and women of MINURSO, who, under the leadership of my Special Representative, Francesco Bastagli, continue to discharge the Mission's mandate with competence and dedication.

Annex

United Nations Mission for the Referendum in Western Sahara: contributions as at 14 October 2005

Country	*Military observers*[a]	*Troops*[a]	*Civilian police*[b]	*Total*
Argentina	1			1
Austria	2			2
Bangladesh	8			8
China	19			19
Croatia	2			2
Denmark		1		1
Egypt	19		4	23
El Salvador	5		2	7
France	25			25
Ghana	10	7		17
Greece	1			1
Guinea	5			5
Honduras	12			12
Hungary	7			7
Ireland	4			4
Italy	5			5
Kenya	9			9
Malaysia	13			13
Mongolia	3			3
Nigeria	7			7
Pakistan	7			7
Poland	1			1
Republic of Korea		19		19
Russian Federation	25			25
Sri Lanka	2			2
Uruguay	8			8
Total	**200**	**27**	**6**	**233**

[a] Authorized strength of military personnel is 231.
[b] Authorized strength is 81.



Map No. 3691 Rev. 50 UNITED NATIONS
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